Datatreasury Corporation v. Wells Fargo & Company et al Doc. 657

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORPORTION *Plaintiff/Counter-Defendant* vs. WELLS FARGO & COMPANY; WELLS FARGO BANK, NATIONAL ASSOCIATION *Defendants/Counter-Plaintiff*	§ § § § § § § § §	No. 2:06cv72 (DF) Jury Trial Demanded

DATATREASURY'S ANSWER TO U.S. BANCORP'S AND U.S. BANK NATIONAL ASSOCIATION'S AMENDED COUNTERCLAIMS

Plaintiff/Counter-Defendant DataTreasury Corporation hereby files its Answer to U.S. Bancorp's and U.S. Bank National Association's (collectively "U.S. Bank"), Amended Counterclaims to Plaintiff's First Amended Complaint for Patent Infringement and in support thereof, states as follows:

COUNTERCLAIM

1. Plaintiff/Counter-Defendant admits the allegations contained in paragraph 1 of U.S. Bank's Amended Counterclaim.

2. Plaintiff/Counter-Defendant is without sufficient knowledge to either admit or deny the allegations contained in paragraph 2 of U.S. Bank's Amended Counterclaim.

3. Plaintiff/Counter-Defendant admits the allegations contained in paragraph 3 of U.S. Bank's Amended Counterclaim.

4. Plaintiff/Counter-Defendant admits the allegations contained in paragraph 4 of U.S. Bank's Amended Counterclaim.

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5. Plaintiff/Counter-Defendant admits the allegations contained in paragraph 5 of U.S. Bank's Amended Counterclaim.

6. Plaintiff/Counter-Defendant admits the allegations contained in paragraph 6 of U.S. Bank's Amended Counterclaim.

7. Plaintiff/Counter-Defendant denies the allegations contained in paragraph 7 of U.S. Bank's Amended Counterclaim.

8. Plaintiff/Counter-Defendant denies the allegations contained in paragraph 8 of U.S. Bank's Amended Counterclaim.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff/Counter-Defendant prays for judgment against Defendants/Counter-Plaintiffs as follows:

A. For judgment dismissing the counterclaims with prejudice;

B. For a declaration that this is an exceptional case, and an award to Plaintiff/Counter-Defendant of its costs and attorneys' fees incurred herein;

C. An award of the costs of this action; and

D. That Plaintiff/Counter-Defendant be awarded such other and further relief as the Court may deem just and proper, including all relief requested in Plaintiff's Complaint.

Respectfully submitted,

_____________/S/________________________

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ATTORNEYS FOR PLAINTIFF/COUNTER-DEFENDANT,DATATREASURY CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record, via CM/ECF, on the 17th day of April, 2007.

___________/S/_____________________
Edward Lewis von Hohn